

DETAILED ACTION

Applicant's election without traverse of Invention I and Species S1c, claims 1-18, 21-25, and 33-35, in both the reply filed on October 9, 2007 and the telephone interview conducted October 19, 2007, is acknowledged.

Currently, claims 1-35 are pending in the application, wherein claims 19, 20, and 26-32 are withdrawn due to non-elected invention. Claims 1-18, 21-25, and 33-35 are hereby examined on the merit. Acknowledgment has been made.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plurality of indicators (claim 8) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7, 8, 13, and 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7, the recited term "a second member" (lines 2-3) is vague. It is unclear what the second member is and its location within the gaming device.

In claim 8, the limitation of "a plurality of indicators operable to move in at least one plane relative to the rotation of the reels, the indicators each sequentially indicating different symbols on the reel" has not been clearly disclosed.

In claim 13, the recited term "the member" (line1) lacks antecedent basis.

In claim 14, the recited term "the award symbols" (line1) lacks antecedent basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18, 21-25, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nordman (6,712,694) in view of Okada (5,152,529).

Referring to claims 1 and 16, Nordman teaches a gaming device comprising: a game initiated by a wager; a housing; a display area (60) supported by the housing (Fig.1A); a cylindrical structure (62) (or reel)(6:6-8) positioned in said display area (and supported by the housing), cylindrical structure having a plurality of symbols and operable to rotate about an axis of rotation (64)(10:49-55), each said cylindrical structure having an outer surface; an indicator positioned in the display area and operable to move relative to said axis of rotation and in a plane spaced from the outer surfaces of the cylindrical structure to sequentially indicate one of the symbols on the cylindrical structure (or indicate different ones of the symbols as the cylindrical structure rotates and the indicator moves), wherein said indicator is positioned in front of the cylindrical structure and is adapted to point to the cylindrical structure; and an award adapted to be provided to a player based on one of the indicated symbols of the cylindrical structure after said cylindrical structure and said indicator stop moving (see abstract). Nordman does not explicitly teach a plurality of reels positioned in said display area, the reels having a plurality of symbols and operable to rotate about an axis of rotation; an indicator positioned in the display area and operable to move substantially

parallel to said axis of rotation to sequentially indicate one of the symbols on each of the reels. Okada, however, teaches a game machine comprises a plurality of reels (7, 8, 17) (Figs. 2, 4) positioned in a display area (and supported by the housing), the reels having a plurality of symbols and operable to rotate about an axis of rotation (9:35-47); an indicator (outer reel 6) positioned in the display area and operable to move substantially parallel to said axis of rotation (Fig. 2) to sequentially indicate one of the symbols on each of the reels (3:15-57). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide multiple reels of Okada to the game system of Nordman to come up with a game system that provides more winning prizes thus attract more people to play the game and increase casino profit.

Referring to claim 33, Nordman teaches a method of operating a gaming device, said method comprising: (a) initiating a game upon a wager by a player (4:52-64); (b) rotating a cylindrical structure (62) (6:6-8) having a plurality of symbols thereon; (c) moving a movable indicator across cylindrical structure in at lease one direction, wherein said indicator is positioned in front of said cylindrical structure and adapted to point to a portion of the cylindrical structure (Fig.1A); (d) causing the indicator to indicate on one of the symbols when the indicator and the reel stop moving; and (e) providing an award to the player based on the symbol indicated (see abstract and 2:21-40). Nordman does not explicitly teach rotating a plurality of reels; the indicator is adapted to cover a portion of each of said reels; causing the indicator to indicate on one of the symbols when the indicator and the reel stop moving. Okada, however, teaches rotating a plurality of reels (7, 8, 17) (Figs. 2, 4); an indicator is adapted to cover a

portion of each of said reels; causing the indicator (outer reel 6) to indicate on one of the symbols when the indicator and the reel stop moving (3:15-57). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide multiple reels of Okada to the game method of Nordman to come up with a game method that provides more winning prizes thus attract more people to play the game and increase casino profit.

Referring to claim 2, wherein the axis of rotation is a substantially vertical axis and the indicator is operable to move in a substantially vertical direction, this is a design choice since placing the rotation axis of the game system of Nordman and Okada does not bring unexpected result to the game.

Referring the limitations of at least two of the reels are operable to rotate in opposite directions with respect to each other about the axis of rotation (claim 3); and wherein two of the reels are operable to rotate in a first direction about the axis of rotation and a third one of the reels is operable to rotate in a second different direction about the axis of rotation (claim 4), it is obvious to set the reels to have different rotation direction to enhance the game interface and making the game result appear to be more random to the game player.

Referring to claim 5, Okada teaches at least one first motion producing device (19) operable to rotate the reels and a second motion producing device (18) operable to move the indicator (Fig.3).

Referring to claim 6, Okada teaches at least one of the first and second motion producing devices includes a stepper motor (3:17-21).

Referring to claim 7, Nordman teaches a plurality of the second motion producing devices (spring 182, motor 58d, gear 192b) operable to move individually the indicator and a second member (cam 188), the movement of the second member made substantially parallel to the plane of movement of the indicator (Fig.8).

Referring to claim 8, wherein a plurality of indicators operable to move in at least one plane relative to the rotation of the reels, the indicators each sequentially indicating different symbols on the reel, this would be resulted from the game system as taught by Nordman and Okada since Nordman teaches a plurality of indicators (Fig. 8).

Referring to claims 9-11 Okada teaches the indicator is operable stop over the indicated award symbol, adjacent to the indicated award symbol, and point to the indicated award symbol (Fig.2).

Referring to claim 12, Nordman teaches game is selected from the group consisting of: slot, poker, keno, blackjack, craps and bunco (2:21-24).

Referring to claim 13, wherein the member and indicator operate as part of a bonus game triggered upon an event in the game, this limitation as best understood, is taught by Nordman. Nordman teaches a member (lever arm 88, cam 188) and indicator (80, 180 a-g, Figs.5-6) operate as part of a bonus game triggered upon an event in the game.

Referring to claim 14, Nordman teaches the award symbols represent an award selected from the group consisting of: game credits, a multiplier of credits, a number of picks from a prize pool, a number of free spins, a number of free games, a bonus game, a non-monetary award and any combination thereof (2:27-39).

Referring to claim 15, which includes an additional reel without symbols operable to rotate with said reels, this limitation is met by Okada's teaching of the outer reel could be transparent or having a plurality of open windows (3:45-56).

Referring to claim 17, Nordman teaches the award is based on the first symbol, the first symbol indicated after the indicator stops moving and each of the reels stop rotating (2:60-3:6).

Referring to claim 18, Okada teaches a motor coupled to the indicator (Fig. 2).

Referring to claim 21, Okada teaches each of the reels and the indicator is moved by a separate motion producing device (Figs.2-4).

Referring to claim 22, Nordman teaches the indicator is attached to a first mechanism (182) that translates the indicator (Fig.8).

Referring to claim 23, Nordman teaches a second mechanism (cam 188) operable to translate in combination with the first mechanism (Fig.8).

Referring to claim 24, Nordman teaches the first and second mechanism (spring 182, motor 58d, gear 192b, cam 188), translate independently with respect to each other (Fig. 8).

Referring to claim 25, Nordman teaches a video monitor operable to display a game that operates with the reels, symbols, indicator and award (Fig. 1A).

Referring to claim 34, wherein moving the indicator includes rotating and translating the indicator, this limitation could be done by the game system and method

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of Nordman and Okada since Okada teaches rotating the indicator (outer reel) (Fig.2) and Nordman teaches translating the indicator (Fig.1a, 3A).

Referring to claim 35, Nordman teaches moving a member in combination with the movement of the indicator (Fig.3A).

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-6, 7-12, 14-18, 21, 22, 24, and 25 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5, 7-10, 14-23, 27-34 of U.S. Patent No. 6,712,694 in view of Okada (5,152,529).

Referring to claims 1 and 16, U.S. Patent No. 6,712,694 claims all limitations except a plurality of reels positioned in said display area, the reels having a plurality of

symbols and operable to rotate about an axis of rotation; an indicator positioned in the display area and operable to move substantially parallel to said axis of rotation to sequentially indicate one of the symbols on each of the reels. Okada, however, teaches a game machine comprises a plurality of reels (7, 8, 17) (Figs. 2, 4) positioned in a display area (and supported by the housing), the reels having a plurality of symbols and operable to rotate about an axis of rotation (9:35-47); an indicator (outer reel 6) positioned in the display area and operable to move substantially parallel to said axis of rotation (Fig. 2) to sequentially indicate one of the symbols on each of the reels (3:15-57). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide multiple reels of Okada to the game system of Nordman to come up with a game system that provides more winning prizes thus attract more people to play the game and increase casino profit.

Referring to claim 2, U.S. Patent No. 6,712,694 (claim 10) claims the axis of rotation is a substantially vertical axis and the indicator is operable to move in a substantially vertical direction.

Referring the limitations of at least two of the reels are operable to rotate in opposite directions with respect to each other about the axis of rotation (claim 3); and wherein two of the reels are operable to rotate in a first direction about the axis of rotation and a third one of the reels is operable to rotate in a second different direction about the axis of rotation (claim 4), it is obvious to set the reels to have different rotation direction to enhance the game interface and making the game result appear to be more random to the game player.

Referring to claim 5, Okada teaches at least one first motion producing device (19) operable to rotate the reels and a second motion producing device (18) operable to move the indicator (Fig.3).

Referring to claim 6, Okada teaches at least one of the first and second motion producing devices includes a stepper motor (3:17-21).

Referring to claim 8, wherein a plurality of indicators operable to move in at least one plane relative to the rotation of the reels, the indicators each sequentially indicating different symbols on the reel, this would be resulted from the game system as taught by Nordman and Okada since U.S. Patent No. 6,712,694 (claim 27) claims a plurality of indicators.

Referring to claims 9-11 Okada teaches the indicator is operable stop over the indicated award symbol, adjacent to the indicated award symbol, and point to the indicated award symbol (Fig.2).

Referring to claim 12, U.S. Patent No. 6,712,694 (claim 19) claims game is selected from the group consisting of: slot, poker, keno, blackjack, craps and bunc.

Referring to claim 14, U.S. Patent No. 6,712,694 (claim 15) claims the award symbols represent an award selected from a number of picks from a prize pool.

Referring to claim 15, which includes an additional reel without symbols operable to rotate with said reels, this limitation is met by Okada's teaching of the outer reel could be transparent or having a plurality of open windows (3:45-56).

Referring to claim 17, U.S. Patent No. 6,712,694 (claim 1) claims the award is based on the first symbol, the first symbol indicated after the indicator stops moving and each of the reels stop rotating.

Referring to claim 18, Okada teaches a motor coupled to the indicator (Fig. 2).

Referring to claim 21, Okada teaches each of the reels and the indicator is moved by a separate motion producing device (Figs.2-4).

Referring to claim 22, U.S. Patent No. 6,712,694 (claim 5) claims the indicator is attached to a first mechanism that translates the indicator.

Referring to claim 24, U.S. Patent No. 6,712,694 (claim 25) claims the first and second mechanism, translate independently with respect to each other.

Referring to claim 25, U.S. Patent No. 6,712,694 (claim 18) claims a video monitor operable to display a game that operates with the reels, symbols, indicator and award.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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